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EXAMINER

MEHTA, HONG T

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1794

NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

The amendment to the claims does not place the application in condition of allowance because: the cited prior references teach known methods and apparatus for agitating raw eggs in the egg shell with the injection of edible compositions such as liquid flavoring and spices as cited in the claims. Applicant argues that the liquid flavoring of Hongqi is different from the edible compositions of the present invention. Flavoring is an edible composition. Applicant has not defined "edible composition" as being limited to any particular material. Also, applicant appears to include "spices" in the examples of edible material in the instant specification (page 20, lines 4-5).

Applicant argues that in Hongqi it is clear that cooking after injection is required. However, the instant claims do not have steps related to cooking the egg; therefore this argument is not considered to be commensurate with the instant claims.

Applicant argues that Hongqi does not teach the step of agitating the egg mixture after the edible composition is added. However, Hongqi teaches adding liquid flavoring material (considered edible material) and shaking the egg. Shaking is considered to be an agitation step. While Hongqi does not teach the use of an agitator, the secondary reference relied upon Hansen teaches means for agitating egg while in the egg shell. Hansen is relied upon for its disclosure of known means for agitating egg contents within the shell. Additionally, it is noted that agitation of an egg can be performed by hand and it is known to agitate mixtures for uniform dispersement of the components therein.

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Applicant argues that Hongqi does not teach an "injector". Hebrank is relied upon for its disclosure of means for injecting material into an egg. As Hebrank clearly teaches an effective means for injecting material into an egg, it would have been obvious to use this known method for injecting the material of Hongqi using a similar method. Applicant also argues that it is not clear that the injector of Hongqi would be able to inject the edible materials of the present claims. The injector of Hongqi is shown to be capable of injecting at least flavorings and spices which are considered edible materials. Furthermore, the injector of Hebrank is relied upon in the combination of references, not the injector of Hongqi.

The references as combined teach treatment of egg and additional materials all while in the egg shell. Hongqi teaches insertion of edible material, and agitation thereof. Hebrank teaches a known means for injecting material into an egg. And Hansen teaches a known method and apparatus for agitating materials within the egg. The teachings of the references are all analogous and related for the general purpose of treating egg materials while in the shell and are considered combinable for at least the reasons set forth above.

/HONG MEHTA/
Examiner, Art Unit 1794
March 11, 2010

/Jennifer C. McNeil/
Supervisory Patent Examiner, Art Unit 1794